



03-16-04  
1 page

RCE/1742

practitioner's Docket No. 50439-2 RCE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Barstad et al.

Application No.: 09/605,442

Group No.: 1742

Filed: June 28, 2000

Examiner: W. Nicholas

For: ELECTROLYTIC COPPER PLATING SOLUTIONS

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**(37 C.F.R. 1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

**WARNING:** 35 U.S.C. 132(b) and Section 1.114 provide for the continued examination of an application and *not* examination of a continuing application). Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

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**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10**

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. Section 1.8(a)**

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**37 C.F.R. Section 1.10**

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Date: 3/15/04

  
Signature

Deanna M. Rivernider

(Request for Continued Examination (RCE))--page 1 of 6

03/18/2004 AWONDAF1 00000100 09605442

01 FC:1801  
02 FC:1251

770.00 OP  
110.00 OP

**WARNING:** *A continued examination request cannot be made if at least one office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 C.F.R. 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination, or (4) an application for a design patent. 37 C.F.R. Section 1.114(d).*

**NOTE:** *There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.*

**NOTE:** *Unlike a continuation application, a continued examination request can utilize the mailing procedure of 37 C.F.R. 1.8. See 37 C.F.R. Section 1.8(a)(2)(i)(A).*

## TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate item(s) below*):
  - i.  Prior to abandonment of the application
  - ii.  Payment of the issue fee
    - Prior to payment of issue fee
    - Issue fee has been paid but a petition under Section 1.313 has been granted
  - iii.  Prior to a decision on appeal to the Board of Patent Appeals & Interferences
    - A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

**NOTE:** *If such a notice is not sent to the Board, they may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under Section 1.114.*

- iv.  Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or  Commencement of a civil action under 35 U.S.C. 146
  - Prior to the filing of such appeal or commencement of civil action
  - Such appeal or commencement of civil action has been terminated

## ENCLOSURES

3. Enclosed herewith is/are:

**WARNING:** *If reply to a final or non-final Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of Section 1.111. 37 C.F.R. Section 1.114(b).*

- An information disclosure (37 C.F.R. Section 1.98)
- Form PTO-1449 (PTO/SB/08A and 08B)
- An amendment

- New arguments
- New evidence in support of patentability
- Other:

#### **FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).**

4. This application is on behalf of:

<input type="checkbox"/>	Small entity (and status is still as small entity)	\$ 385.00
<input checked="" type="checkbox"/>	Other than a small entity	\$ 770.00

Continued Prosecution Request Fee	\$ <u>770.00</u>
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#### **FEE FOR CLAIMS**

*NOTE: "The fee for continued examination under Section 1.114 (Section 1.17(e)) does not include additional claims fee (cf. 1.53(d)(3)(ii))." See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.*

*37 C.F.R. 1.53(d)(3) : "The filing fee for a continued prosecution application filed under this paragraph is:*

*(i) The basic filing fee as set forth in Section 1.16; and*

*(ii) Any additional Section 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under Section 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."*

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col.1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY				
				Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Addit. Fee	OR
Total	*	Minus	**	=	x \$9 =	\$	x \$18 =	\$ 0
Indep.	*	Minus	***	= 0	x \$43 =	\$	x \$86 =	\$ 0
<input type="checkbox"/> First Presentation of Multiple Dependent Claim					+ \$145 =	\$	+ \$290 =	\$ 0
				Total		OR	Total	
				Addit. Fee	\$ _____		Addit. Fee	\$

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** See 37 C.F.R. Section 1.116.

(complete (c) or (d), as applicable)

- (c) [ ] No additional fee is required.

**OR**

- (d) [ ] Total additional fee required is \$ \_\_\_\_\_.

**EXTENSION OF TIME**

(If an extension of time is appropriate complete (a) or (b), as applicable)

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- (a) [X] Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

Extension <u>(months)</u>	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
[X] one month	\$ 110.00	\$ 55.00
[ ] two months	\$ 420.00	\$ 210.00
[ ] three months	\$ 950.00	\$ 475.00
[ ] four months	\$1,480.00	\$ 740.00

**Fee \$ 110.00**

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- [ ] An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 110.00

**OR**

- (b) [ ] Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## **TOTAL FEE(S) DUE**

**WARNING:** *The fee for continued examination under Section 1.114 may not be deferred. 37 C.F.R. Section 1.53(f).*

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$ <u>770.00</u>
Fee(s) for additional claims (if any) (Section 1.16(b)-(d))	\$ _____
Extension of time fee (if any) (Section 1.17(a)(1)-(4))	\$ <u>110.00</u>
Total Fee(s) Due:	\$ <u>880.00</u>

## **PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

[X] Check is attached for the sum of	\$ <u>880.00</u>
[ ] Charge Account _____ the sum of	\$ _____
[ ] Charge Credit Card the sum of (Credit Card Payment Form (PTO-2038) attached.)	\$ _____

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) to

[X] Account <u>04-1105</u>
[ ] Credit Card (Credit Card Payment Form (PTO-2038) attached.)

## **INVENTORSHIP**

**NOTE:** *Any change of inventors must be via the procedure set forth in 37 C.F.R. Section 1.48. See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.*

9. This application as amended names as inventors:

[X] the same inventors as previously designated for the claims.
[ ] fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.

- a person not named previously as an inventor and a petition under 37 C.F.R. Section 1.48  
is/has separately:  
 being filed  
 been filed



SIGNATURE OF PRACTITIONER

Reg. No.: 33,860

Peter F. Corless

(*type or print name of practitioner*)

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EDWARDS & ANGELL, LLP

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Boston, MA 02205

P.O. Address



Docket No. 50439-2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Barstad et al.

SERIAL NO.: 09/605,442 EXAMINER: W. Nicholas

FILED: June 28, 2000 GROUP: 1742

FOR: ELECTROLYTIC COPPER PLATING SOLUTIONS

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**RESPONSE**

Applicants file herewith a Request for Continued Examination (RCE) for the above-referenced application.

As indicated in the Advisory Action dated March 8, 2004, the previously submitted Rule 131 Declaration has not been considered due to the outstanding final rejection. The undersigned spoke with the Examiner by telephone and was informed that an RCE should be filed for entry of that Declaration. Accordingly, Applicants file the present RCE. Entry of the previously submitted Rule 131 Declaration at this time is solicited.

Applicants respond as follows to the prior Office Action.

Claims 124-136 were rejected under 35 U.S.C. 102(e) over Landau et al. (U.S. Patent 6,379,522).

Claims 137-153 were rejected under 35 U.S.C. 103 over Landau et al. (U.S. Patent 6,379,522) in view of Dahms et al. (U.S. Patent 5,433,840).

For the sake of brevity, the two rejections are addressed in combination. Such a combined response is considered appropriate because, *inter alia*, each of the rejections relies on the Landau et al. as the sole or primary citation.

While Applicants disagree with the rejections, including for reasons set forth in Applicants' prior response, Applicants previously submitted a Rule 131 Declaration which effectively antedates the Landau et al. citation.

That previously submitted Declaration (in several copies) includes signatures of each of the co-inventors, except for Robert Schetty. For that co-inventor, the Declaration of the undersigned attorney was submitted which indicates that Robert Schetty has refused to sign or is otherwise unavailable; see MPEP Section 715.04.

At page 3, last paragraph of the Final Office Action, a statement is made regarding Applicants possible acquiescing to arguments.

To clarify matters, Applicants strongly disagree with that position and do not acquiesce to any such arguments.

Indeed, as detailed in Applicants' prior responses and supported by literature references, it would not have been somehow routine or somehow obvious to copper plate semiconductor microchip wafers as Applicants disclose and claim in the present application. Among other things, unique technical difficulties are faced copper plating semiconductor microchip wafers.

In view thereof, reconsideration and withdrawal of the rejections are requested.

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It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,



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